

**REMARKS**

Claims 1-21 are pending in this application. By this Amendment, the specification is amended to correct informalities. Thus, no new matter is added by this Amendment.

Claims 1-21 are pending in this application.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner McCarry in the October 18 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. Rejection Under 35 U.S.C. §103(a)**

Claims 1-21 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 4,248,318 (O'Neill). This rejection is respectfully traversed.

All independent claims of this application recite a reserve capacity of less than 1.50. Independent claims 1 and 21 recite a suspension design for a railway truck in which a bolster is supported by a spring group, the spring group having a reserve capacity of less than 1.50. Independent claim 14 recites a method for tuning a spring suspension of a railway truck including providing a suspension system for the railway truck comprising a spring group, wherein the spring group includes a plurality of springs and a configuration of the spring group is such that a reserve capacity of the spring group is less than 1.50 based on a determined load of the railway truck.

The Office Action acknowledges that O'Neill does not disclose a reserve capacity less than 1.50. The Office Action asserts that "it would have been obvious to one of ordinary skill in the art to understand that the reserve capacity would be under 1.5 depending on a load of the rail car on the springs and the speed and movement of the rail car." The Office Action provides no factual support for its conclusion of obviousness. Thus, the Office Action fails to make a *prima facie* showing of obviousness. Only Applicants' specification teaches the

advantages for providing a reserve capacity less than 1.50. Thus, the Office Action relies upon impermissible hindsight in reaching its conclusion of obviousness.

O'Neill is directed to a load spring indicator for a rail car for determining whether the spring group load coils have sufficient reserve capacity. See col. 1, lines 4-47 of O'Neill. Thus, O'Neill is directed to an indicator that may display the reserve capacity. However, as noted above, O'Neill does not disclose or suggest making the reserve capacity less than 1.50. In fact, O'Neill provides no values for reserve capacity.

O'Neill does not recognize the benefits associated with a reserve capacity less than 1.50. As described in paragraph [0017] of the present application, reducing reserve capacity was considered acceptable to improve ride quality of the auto rack cars. With the exception of railroad cars hauling automobiles, the Association of American Railroads (AAR) set a minimum reserve capacity of 1.50, which was thought to be the minimum allowable spring capacity to prevent suspension bottoming.

However, by reducing the spring assembly reserve capacity for a railcar and truck of the given weight and configuration to less than 1.50, an unexpected result of a decrease in maximum vertical acceleration is achieved. The decrease in vertical acceleration allows for improved ride quality, increased resistance to suspension bottoming and increased hunting threshold speed of the railcar. See paragraph [0087] of the specification.

The suspension design for a railway truck including a spring group having a reserve capacity less than 1.50, as recited in each of claims 1 and 21, and a method for tuning a spring suspension of a railway truck wherein the railway truck has a spring group having a reserve capacity less than 1.50, as recited in claim 14, allows for an improved spring assembly that can assist the rail car in meeting or exceeding new AAR standards, such as M-976 of the AAR office manual.

The benefits of this spring group assembly, as recited in claims 1, 14 and 21, are not contemplated by O'Neill. Moreover, as discussed above, O'Neill does not teach or suggest any specific reserve capacity.

Accordingly, O'Neill fails to render obvious the subject matter of claims 1, 14 and 21, as well as the claims dependent therefrom.

Withdrawal of the rejections is thus respectfully requested.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Christopher W. Brown  
Registration No. 38,025

Linda M. Saltiel  
Registration No. 51,122

CWB:LMS/eks

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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